

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5702 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHREE AMBICA MINERALS

Versus

UNION OF INDIA

Appearance:

MS KUSUM M SHAH for Petitioner

None present for Respondent No. 1

MR JC SHETH for Respondent No. 2 & 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/10/96

ORAL JUDGMENT

Heard learned counsel for the parties. The dispute relates to the additional freight charges to the extent of Rs.13,760/- in respect of different Railway Receipts (R.R.s). The grievance of the petitioner is that the under charges due to rationalization scheme are to be charged via JH-MM-RRD with effect from 1.5.84, but in the present case delivery has been given of

consignment much earlier to the aforesaid date after consignment travelled through route for which freight was charged.

2. The petitioner has made a reference to the Special Civil Application No.6266 of 1984 in which identical issue has been raised. This Special Civil Application has been disposed of by this Court on 3.8.96 with a direction to the petitioner to approach the concerned railway authority in respect of the grievances made in the Special Civil Application. Both the counsel for the parties are in agreement that this Special Civil Application may also be disposed of on the lines on which the aforesaid Special Civil Application has been disposed of. Order accordingly. This Special Civil Application is disposed of with the direction that the petitioner may make a representation regarding his grievance made in this Special Civil Application to the respondent No.2 within a period of one month from the date of receipt of certified copy of this order. On such representation being made by the petitioner, the respondent No.2 is directed to decide the same within a period of three months thereafter. While deciding the said representation, the respondent No.2 shall take into consideration the fact that the undercharge due to rationalization scheme are given effect from 1.5.84. Rule stands disposed of in aforesaid terms. No order as to costs.

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(sunil)